

# EXHIBIT 3

**From:** Martin-Patterson, Ryan <Ryan.Martin-Patterson@alston.com>

**Sent:** Thursday, April 17, 2025 9:29 AM

**To:** Suellentrop, Nicholas <nsuellentrop@wc.com>; Erich Schork <erichschork@robertslawfirm.us>; Ackerman, Ethan <ethan.ackerman@morganlewis.com>; Pearl Robertson <probertson@irpinolaw.com>; Bejan, Daria K. <dbejan@jonesday.com>; Burrichter, Chris <chris.burrichter@kirkland.com>; Martin, Theresa C. <tmartin@jonesday.com>; Melo, Leslie A. <leslie.melo@kirkland.com>; Tanya D. Ellis <Tanya.Ellis@formanwatkins.com>; Josh Wackerly <josh@cicalapllc.com>; Steven Daroci <sdaroci@seegerweiss.com>; Joanne Cicala <joanne@cicalapllc.com>; David Buchanan <dbuchanan@seegerweiss.com>; Lawrence Deas <Lawrence@listondeas.com>; Trey Watkins <Trey.Watkins@formanwatkins.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>; Mark Pifko <MPifko@baronbudd.com>; tscrivo@oslaw.com; Young Yu <yyu@oslaw.com>; jtortorella@khmarino.com; Sterling Cluff <sluff@baronbudd.com>; Matthew Gately <mfg@njlawfirm.com>; cbarrett@nealharwell.com; Jordan Jacobson <JJacobson@ktmc.com>; Mike Roberts <mikeroberts@robertslawfirm.us>; Karen Halbert <karenhalbert@robertslawfirm.us>; Donald A. Ecklund <DEcklund@carellabyrne.com>; Mark Vazquez <markv@hbsslaw.com>; James Cecchi <jceccchi@carellabyrne.com>; Johan Conrod <johan@cicalapllc.com>; Dianne M Nast <dnast@nastlaw.com>; Kevin Cooper <KCooper@carellabyrne.com>; trafferty@levinlaw.com; Tal J Lifshitz <tjl@kttlaw.com>; myeates@ktmc.com; Joseph H. Meltzer <jmeltzer@ktmc.com>; steve@hbsslaw.com; Russell Budd <RBudd@BARONBUDD.COM>

**Cc:** 'Hogg, Ian' <ian.hogg@davispolk.com>; Edwards, Jordan <Jordan.Edwards@alston.com>; Brown, Liz Broadway <Liz.Brown@alston.com>; Harvey, Patrick A. <patrick.harvey@morganlewis.com>; Barnaby, Kelley <Kelley.Barnaby@alston.com>; Podoll, A. Joshua <APodoll@wc.com>; Dockery, Daniel <DDockery@wc.com>; Scherr, Jason R. <jr.scherr@morganlewis.com>; Gazikas, Alexander <agazikas@wc.com>; Boone, Brian <Brian.Boone@alston.com>; Richmann, Jean <XXJean.Richmann@alston.com>; Levy, Lindsey <lindsey.levy@morganlewis.com>; Optum Insulin Team <Optum.Insulin.Team@alston.com>; \*andrew.yaphe@davispolk.com <andrew.yaphe@davispolk.com>; \*neal.potischman@davispolk.com <neal.potischman@davispolk.com>; Feld, Jason Adam <jason.feld@kirkland.com>; ryan.moorman@kirkland.com; Interlicchio, Lori <LInterlicchio@wc.com>; Hazelwood, Benjamin <BHazelwood@wc.com>; Patterson, Melissa L. <mpatterson@jonesday.com>; Fassih, Elizabeth S. <efassih@jonesday.com>; Inzunza Higuera, Gerardo <ginzunzahiguera@jonesday.com>; \*KOREilly@walsh.law <KOREilly@walsh.law>; \*LMalakoff@walsh.law <LMalakoff@walsh.law>; Emma Kingsdorf Schwab <eschwab@irpinolaw.com>; Sarah DeLoach <sarahdeloach@robertslawfirm.us>; apark@ktmc.com; bbogle@levinlaw.com; Kiessling, Joseph J. <jkiessling@jonesday.com>; Seligmann, Reade <Reade.Seligmann@alston.com>; Doreen Nidowicz <dnidowicz@levinlaw.com>; Darcie Tilly <Darcie.Tilly@doj.ca.gov>; Bonk, Cameron Mae <cameron.bonk@kirkland.com>; Walling, Kate <kate.walling@kirkland.com>; Walsh, Liza <lwalsh@walsh.law>

**Subject:** RE: In re Insulin Pricing Litigation, MDL No. 3080 - Draft Privilege Order (4-14 call) - multiple logs.

Erich,

We're aligned with the concerns raised by the Express Scripts and CVS Defendants and expressly reserve all rights and defenses of the OptumRx and United affiliated entities named as defendants in the MDL, including all defenses as to personal jurisdiction.

That said, we intend to provide separate privilege logs for OptumRx and Emisar.

Ryan P. Martin-Patterson  
Senior Associate

**ALSTON & BIRD**

*(he/him/his)*

950 F Street NW

Washington, DC 20004

202-239-3038 (O)

213-448-5478 (C)

[Ryan.Martin-Patterson@alston.com](mailto:Ryan.Martin-Patterson@alston.com)

**From:** Suellentrop, Nicholas <[nsuellentrop@wc.com](mailto:nsuellentrop@wc.com)>

**Sent:** Tuesday, April 15, 2025 6:50 PM

**To:** Erich Schork <[erichschork@robertslawfirm.us](mailto:erichschork@robertslawfirm.us)>; Ackerman, Ethan

<[ethan.ackerman@morganlewis.com](mailto:ethan.ackerman@morganlewis.com)>; Pearl Robertson <[probertson@irpinolaw.com](mailto:probertson@irpinolaw.com)>; Bejan, Daria K. <[dbejan@jonesday.com](mailto:dbejan@jonesday.com)>; Burrichter, Chris <[chris.burrichter@kirkland.com](mailto:chris.burrichter@kirkland.com)>; Martin, Theresa C. <[tmartin@jonesday.com](mailto:tmartin@jonesday.com)>; Melo, Leslie A. <[leslie.melo@kirkland.com](mailto:leslie.melo@kirkland.com)>; Tanya D. Ellis <[Tanya.Ellis@formanwatkins.com](mailto:Tanya.Ellis@formanwatkins.com)>; Josh Wackerly <[josh@cicalapllc.com](mailto:josh@cicalapllc.com)>; Steven Daroci <[sdaroci@seegerweiss.com](mailto:sdaroci@seegerweiss.com)>; Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)>; David Buchanan <[dbuchanan@seegerweiss.com](mailto:dbuchanan@seegerweiss.com)>; Lawrence Deas <[Lawrence@listondeas.com](mailto:Lawrence@listondeas.com)>; Trey Watkins <[Trey.Watkins@formanwatkins.com](mailto:Trey.Watkins@formanwatkins.com)>; Benjamin Widlanski <[bwidlanski@kttl.com](mailto:bwidlanski@kttl.com)>; Mark Pifko <[MPifko@baronbudd.com](mailto:MPifko@baronbudd.com)>; [tscrivo@oslaw.com](mailto:tscrivo@oslaw.com); Young Yu <[yju@oslaw.com](mailto:yju@oslaw.com)>; [jtortorella@khmarino.com](mailto:jtortorella@khmarino.com); Sterling Cluff <[scluff@baronbudd.com](mailto:scluff@baronbudd.com)>; Matthew Gately <[mfg@njlawfirm.com](mailto:mfg@njlawfirm.com)>; [cbarrett@nealharwell.com](mailto:cbarrett@nealharwell.com); Jordan Jacobson <[JJacobson@ktmc.com](mailto:JJacobson@ktmc.com)>; Mike Roberts <[mikeroberts@robertslawfirm.us](mailto:mikeroberts@robertslawfirm.us)>; Karen Halbert <[karenhalbert@robertslawfirm.us](mailto:karenhalbert@robertslawfirm.us)>; Donald A. Ecklund <[DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com)>; Mark Vazquez <[markv@hbssl.com](mailto:markv@hbssl.com)>; James Cecchi <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Johan Conrod <[johan@cicalapllc.com](mailto:johan@cicalapllc.com)>; Dianne M Nast <[dnast@nastlaw.com](mailto:dnast@nastlaw.com)>; Kevin Cooper <[KCooper@carellabyrne.com](mailto:KCooper@carellabyrne.com)>; [trafferty@levinlaw.com](mailto:trafferty@levinlaw.com); Tal J Lifshitz <[tjl@kttl.com](mailto:tjl@kttl.com)>; [myeates@ktmc.com](mailto:myeates@ktmc.com); Joseph H. Meltzer <[jmeltzer@ktmc.com](mailto:jmeltzer@ktmc.com)>; [steve@hbssl.com](mailto:steve@hbssl.com); Russell Budd <[RBudd@BARONBUDD.COM](mailto:RBudd@BARONBUDD.COM)>

**Cc:** 'Hogg, Ian' <[ian.hogg@davispolk.com](mailto:ian.hogg@davispolk.com)>; Edwards, Jordan <[Jordan.Edwards@alston.com](mailto:Jordan.Edwards@alston.com)>; Brown, Liz Broadway <[Liz.Brown@alston.com](mailto:Liz.Brown@alston.com)>; Harvey, Patrick A.

<[patrick.harvey@morganlewis.com](mailto:patrick.harvey@morganlewis.com)>; Barnaby, Kelley <[Kelley.Barnaby@alston.com](mailto:Kelley.Barnaby@alston.com)>; Podoll, A. Joshua <[APodoll@wc.com](mailto:APodoll@wc.com)>; Dockery, Daniel <[DDockery@wc.com](mailto:DDockery@wc.com)>; Scherr, Jason R. <[jr.scherr@morganlewis.com](mailto:jr.scherr@morganlewis.com)>; Gazikas, Alexander <[agazikas@wc.com](mailto:agazikas@wc.com)>; Boone, Brian <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; Richmann, Jean <[XXJean.Richmann@alston.com](mailto:XXJean.Richmann@alston.com)>; Levy, Lindsey <[lindsey.levy@morganlewis.com](mailto:lindsey.levy@morganlewis.com)>; Optum Insulin Team <[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com)>; [\\*andrew.yaphe@davispolk.com](mailto:*andrew.yaphe@davispolk.com) <[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)>; [\\*neal.potischman@davispolk.com](mailto:*neal.potischman@davispolk.com) <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; Feld, Jason Adam

<[jason.feld@kirkland.com](mailto:jason.feld@kirkland.com)>; [ryan.moorman@kirkland.com](mailto:ryan.moorman@kirkland.com); Interlicchio, Lori  
<[LInterlicchio@wc.com](mailto:LInterlicchio@wc.com)>; Hazelwood, Benjamin <[BHazelwood@wc.com](mailto:BHazelwood@wc.com)>; Patterson, Melissa  
L. <[mpatterson@jonesday.com](mailto:mpatterson@jonesday.com)>; Fassih, Elizabeth S. <[efassih@jonesday.com](mailto:efassih@jonesday.com)>; Inzunza  
Higuera, Gerardo <[ginzunzahiguera@jonesday.com](mailto:ginzunzahiguera@jonesday.com)>; \*[KOREilly@walsh.law](mailto:KOREilly@walsh.law)  
<[KOREilly@walsh.law](mailto:KOREilly@walsh.law)>; \*[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law) <[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law)>; Emma Kingsdorf  
Schwab <[eschwab@irpinolaw.com](mailto:eschwab@irpinolaw.com)>; Sarah DeLoach <[sarahdeloach@robertslawfirm.us](mailto:sarahdeloach@robertslawfirm.us)>;  
[apark@ktmc.com](mailto:apark@ktmc.com); [bbogle@levinlaw.com](mailto:bbogle@levinlaw.com); Kiessling, Joseph J. <[jkiessling@jonesday.com](mailto:jkiessling@jonesday.com)>;  
Seligmann, Reade <[Reade.Seligmann@alston.com](mailto:Reade.Seligmann@alston.com)>; Doreen Nidowicz  
<[dnidowicz@levinlaw.com](mailto:dnidowicz@levinlaw.com)>; Darcie Tilly <[Darcie.Tilly@doj.ca.gov](mailto:Darcie.Tilly@doj.ca.gov)>; Bonk, Cameron Mae  
<[cameron.bonk@kirkland.com](mailto:cameron.bonk@kirkland.com)>; Walling, Kate <[kate.walling@kirkland.com](mailto:kate.walling@kirkland.com)>; Walsh, Liza  
<[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>

**Subject:** RE: In re Insulin Pricing Litigation, MDL No. 3080 - Draft Privilege Order (4-14 call) - multiple logs.

**EXTERNAL SENDER – Proceed with caution**

---

Counsel,

The CVS Defendants (including Zinc) are aligned with Ethan's email below.

Regards,  
Nick

**Nicholas Suellentrop**  
**Associate | Williams & Connolly LLP**  
680 Maine Avenue, S.W., Washington, DC 20024  
202-434-5592 | [nsuellentrop@wc.com](mailto:nsuellentrop@wc.com) | [www.wc.com](http://www.wc.com)

**From:** Erich Schork <[erichschork@robertslawfirm.us](mailto:erichschork@robertslawfirm.us)>

**Sent:** Tuesday, April 15, 2025 5:55 PM

**To:** Ackerman, Ethan <[ethan.ackerman@morganlewis.com](mailto:ethan.ackerman@morganlewis.com)>; Pearl Robertson  
<[probertson@irpinolaw.com](mailto:probertson@irpinolaw.com)>; Bejan, Daria K. <[dbejan@jonesday.com](mailto:dbejan@jonesday.com)>; Burrichter, Chris  
<[chris.burrichter@kirkland.com](mailto:chris.burrichter@kirkland.com)>; Martin, Theresa C. <[tmartin@jonesday.com](mailto:tmartin@jonesday.com)>; Melo, Leslie A.  
<[leslie.melo@kirkland.com](mailto:leslie.melo@kirkland.com)>; Tanya D. Ellis <[Tanya.Ellis@formanwatkins.com](mailto:Tanya.Ellis@formanwatkins.com)>; Josh  
Wackerly <[josh@cicalapllc.com](mailto:josh@cicalapllc.com)>; Steven Daroci <[sdaroci@seegerweiss.com](mailto:sdaroci@seegerweiss.com)>; Joanne Cicala  
<[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)>; David Buchanan <[dbuchanan@seegerweiss.com](mailto:dbuchanan@seegerweiss.com)>; Lawrence Deas  
<[Lawrence@listondeas.com](mailto:Lawrence@listondeas.com)>; Trey Watkins <[Trey.Watkins@formanwatkins.com](mailto:Trey.Watkins@formanwatkins.com)>; Benjamin  
Widlanski <[bwidlanski@kttlaw.com](mailto:bwidlanski@kttlaw.com)>; Mark Pifko <[MPifko@baronbudd.com](mailto:MPifko@baronbudd.com)>;  
[tscrivo@oslaw.com](mailto:tscrivo@oslaw.com); Young Yu <[yuu@oslaw.com](mailto:yuu@oslaw.com)>; [jtortorella@khmarino.com](mailto:jtortorella@khmarino.com); Sterling Cluff  
<[scluff@baronbudd.com](mailto:scluff@baronbudd.com)>; Matthew Gately <[mfg@njlawfirm.com](mailto:mfg@njlawfirm.com)>; [cbarrett@nealharwell.com](mailto:cbarrett@nealharwell.com);  
Jordan Jacobson <[JJacobson@ktmc.com](mailto:JJacobson@ktmc.com)>; Mike Roberts <[mikeroberts@robertslawfirm.us](mailto:mikeroberts@robertslawfirm.us)>;  
Karen Halbert <[karenhalbert@robertslawfirm.us](mailto:karenhalbert@robertslawfirm.us)>; Donald A. Ecklund  
<[DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com)>; Mark Vazquez <[markv@hbsslaw.com](mailto:markv@hbsslaw.com)>; James Cecchi  
<[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Johan Conrod <[johan@cicalapllc.com](mailto:johan@cicalapllc.com)>; Dianne M Nast

<[dnast@nastlaw.com](mailto:dnast@nastlaw.com)>; Kevin Cooper <[KCooper@carellabyrne.com](mailto:KCooper@carellabyrne.com)>; [trafferty@levinlaw.com](mailto:trafferty@levinlaw.com);  
Tal J Lifshitz <[tjl@kttl.com](mailto:tjl@kttl.com)>; [myeates@ktmc.com](mailto:myeates@ktmc.com); Joseph H. Meltzer  
<[jmeltzer@ktmc.com](mailto:jmeltzer@ktmc.com)>; [steve@hbssl.com](mailto:steve@hbssl.com); Russell Budd <[RBUDD@BARONBUDD.COM](mailto:RBUDD@BARONBUDD.COM)>  
Cc: 'Hogg, Ian' <[ian.hogg@davispolk.com](mailto:ian.hogg@davispolk.com)>; \*[Jordan.Edwards@alston.com](mailto:Jordan.Edwards@alston.com)  
<[Jordan.Edwards@alston.com](mailto:Jordan.Edwards@alston.com)>; \*[Liz.Brown@alston.com](mailto:Liz.Brown@alston.com) <[Liz.Brown@alston.com](mailto:Liz.Brown@alston.com)>; Harvey,  
Patrick A. <[patrick.harvey@morganlewis.com](mailto:patrick.harvey@morganlewis.com)>; \*[Kelley.Barnaby@alston.com](mailto:Kelley.Barnaby@alston.com)  
<[Kelley.Barnaby@alston.com](mailto:Kelley.Barnaby@alston.com)>; Podoll, A. Joshua <[APodoll@wc.com](mailto:APodoll@wc.com)>; Dockery, Daniel  
<[DDockery@wc.com](mailto:DDockery@wc.com)>; Scherr, Jason R. <[jr.scherr@morganlewis.com](mailto:jr.scherr@morganlewis.com)>; Gazikas, Alexander  
<[agazikas@wc.com](mailto:agazikas@wc.com)>; \*[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com) <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>;  
\*[Jean.Richmann@alston.com](mailto:Jean.Richmann@alston.com) <[Jean.Richmann@alston.com](mailto:Jean.Richmann@alston.com)>; Levy, Lindsey  
<[lindsey.levy@morganlewis.com](mailto:lindsey.levy@morganlewis.com)>; \*[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com)  
<[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com)>; \*[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)  
<[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)>; \*[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)  
<[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; Feld, Jason Adam <[jason.feld@kirkland.com](mailto:jason.feld@kirkland.com)>;  
[ryan.moorman@kirkland.com](mailto:ryan.moorman@kirkland.com); Interlicchio, Lori <[LInterlicchio@wc.com](mailto:LInterlicchio@wc.com)>; Suellentrop,  
Nicholas <[nsuellentrop@wc.com](mailto:nsuellentrop@wc.com)>; Hazelwood, Benjamin <[BHazelwood@wc.com](mailto:BHazelwood@wc.com)>; Patterson,  
Melissa L. <[mpatterson@jonesday.com](mailto:mpatterson@jonesday.com)>; Fassih, Elizabeth S. <[efassih@jonesday.com](mailto:efassih@jonesday.com)>;  
Inzunza Higuera, Gerardo <[ginzunzahiguera@jonesday.com](mailto:ginzunzahiguera@jonesday.com)>; \*[KOREilly@walsh.law](mailto:KOREilly@walsh.law)  
<[KOREilly@walsh.law](mailto:KOREilly@walsh.law)>; \*[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law) <[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law)>; Emma Kingsdorf  
Schwab <[eschwab@irpinolaw.com](mailto:eschwab@irpinolaw.com)>; Sarah DeLoach <[sarahdeloach@robertslawfirm.us](mailto:sarahdeloach@robertslawfirm.us)>;  
[apark@ktmc.com](mailto:apark@ktmc.com); [bbogle@levinlaw.com](mailto:bbogle@levinlaw.com); Kiessling, Joseph J. <[jkiessling@jonesday.com](mailto:jkiessling@jonesday.com)>;  
[Reade.Seligmann@alston.com](mailto:Reade.Seligmann@alston.com); Doreen Nidowicz <[dnidowicz@levinlaw.com](mailto:dnidowicz@levinlaw.com)>; Darcie Tilly  
<[Darcie.Tilly@doj.ca.gov](mailto:Darcie.Tilly@doj.ca.gov)>; Bonk, Cameron Mae <[cameron.bonk@kirkland.com](mailto:cameron.bonk@kirkland.com)>; Walling,  
Kate <[kate.walling@kirkland.com](mailto:kate.walling@kirkland.com)>; Walsh, Liza <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>  
**Subject:** Re: In re Insulin Pricing Litigation, MDL No. 3080 - Draft Privilege Order (4-14 call) -  
multiple logs.

Can CVS/Zinc and Optum/Emisar provide their positions on this issue? As indicated on  
yesterday's call, it is Class Action Track Plaintiffs' position that the rebate aggregators must each  
provide their own privilege logs.

Erich P. Schork  
Partner  
Roberts Law Firm US, PC  
PO Box 31909, Chicago, IL 60631-9998  
(708) 497-9068  
[erichschork@robertslawfirm.us](mailto:erichschork@robertslawfirm.us)

---

**From:** Ackerman, Ethan <[ethan.ackerman@morganlewis.com](mailto:ethan.ackerman@morganlewis.com)>  
**Sent:** Tuesday, April 15, 2025 12:28 PM  
**To:** Pearl Robertson <[probertson@irpinolaw.com](mailto:probertson@irpinolaw.com)>; Bejan, Daria K. <[dbejan@jonesday.com](mailto:dbejan@jonesday.com)>;  
Burrichter, Chris <[chris.burrichter@kirkland.com](mailto:chris.burrichter@kirkland.com)>; Martin, Theresa C.  
<[tmartin@jonesday.com](mailto:tmartin@jonesday.com)>; Melo, Leslie A. <[leslie.melo@kirkland.com](mailto:leslie.melo@kirkland.com)>; Tanya D. Ellis  
<[Tanya.Ellis@formanwatkins.com](mailto:Tanya.Ellis@formanwatkins.com)>; Josh Wackerly <[josh@cicalapllc.com](mailto:josh@cicalapllc.com)>; Steven Daroci  
<[sdaroci@seegerweiss.com](mailto:sdaroci@seegerweiss.com)>; Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)>; David Buchanan

<[dbuchanan@seegerweiss.com](mailto:dbuchanan@seegerweiss.com)>; Lawrence Deas <[Lawrence@listondeas.com](mailto:Lawrence@listondeas.com)>; Trey Watkins <[Trey.Watkins@formanwatkins.com](mailto:Trey.Watkins@formanwatkins.com)>; Benjamin Widlanski <[bwidlanski@kttlaw.com](mailto:bwidlanski@kttlaw.com)>; Mark Pifko <[MPifko@baronbudd.com](mailto:MPifko@baronbudd.com)>; [tscrivo@oslaw.com](mailto:tscrivo@oslaw.com) <[tscrivo@oslaw.com](mailto:tscrivo@oslaw.com)>; Young Yu <[yuu@oslaw.com](mailto:yuu@oslaw.com)>; [jtortorella@khmarino.com](mailto:jtortorella@khmarino.com) <[jtortorella@khmarino.com](mailto:jtortorella@khmarino.com)>; Sterling Cluff <[slcluff@baronbudd.com](mailto:slcluff@baronbudd.com)>; Matthew Gately <[mfg@njlawfirm.com](mailto:mfg@njlawfirm.com)>; Erich Schork <[erichschork@robertslawfirm.us](mailto:erichschork@robertslawfirm.us)>; [cbarrett@nealharwell.com](mailto:cbarrett@nealharwell.com) <[cbarrett@nealharwell.com](mailto:cbarrett@nealharwell.com)>; Jordan Jacobson <[JJacobson@ktmc.com](mailto:JJacobson@ktmc.com)>; Mike Roberts <[mikeroberts@robertslawfirm.us](mailto:mikeroberts@robertslawfirm.us)>; Karen Halbert <[karenhalbert@robertslawfirm.us](mailto:karenhalbert@robertslawfirm.us)>; Donald A. Ecklund <[DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com)>; Mark Vazquez <[markv@hbsslaw.com](mailto:markv@hbsslaw.com)>; James Cecchi <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Johan Conrod <[johan@cicalapllc.com](mailto:johan@cicalapllc.com)>; Dianne M Nast <[dnast@nastlaw.com](mailto:dnast@nastlaw.com)>; Kevin Cooper <[KCooper@carellabyrne.com](mailto:KCooper@carellabyrne.com)>; [trafferty@levinlaw.com](mailto:trafferty@levinlaw.com) <[trafferty@levinlaw.com](mailto:trafferty@levinlaw.com)>; Tal J Lifshitz <[tjl@kttlaw.com](mailto:tjl@kttlaw.com)>; [myeates@ktmc.com](mailto:myeates@ktmc.com) <[myeates@ktmc.com](mailto:myeates@ktmc.com)>; Joseph H. Meltzer <[jmeltzer@ktmc.com](mailto:jmeltzer@ktmc.com)>; [steve@hbsslaw.com](mailto:steve@hbsslaw.com) <[steve@hbsslaw.com](mailto:steve@hbsslaw.com)>; Russell Budd <[RBUDD@BARONBUDD.COM](mailto:RBUDD@BARONBUDD.COM)>  
**Cc:** 'Hogg, Ian' <[ian.hogg@davispolk.com](mailto:ian.hogg@davispolk.com)>; \*[Jordan.Edwards@alston.com](mailto:Jordan.Edwards@alston.com) <[Jordan.Edwards@alston.com](mailto:Jordan.Edwards@alston.com)>; \*[Liz.Brown@alston.com](mailto:Liz.Brown@alston.com) <[Liz.Brown@alston.com](mailto:Liz.Brown@alston.com)>; Harvey, Patrick A. <[patrick.harvey@morganlewis.com](mailto:patrick.harvey@morganlewis.com)>; \*[Kelley.Barnaby@alston.com](mailto:Kelley.Barnaby@alston.com) <[Kelley.Barnaby@alston.com](mailto:Kelley.Barnaby@alston.com)>; \*[apodoll@wc.com](mailto:apodoll@wc.com) <[apodoll@wc.com](mailto:apodoll@wc.com)>; \*[ddockery@wc.com](mailto:ddockery@wc.com) <[ddockery@wc.com](mailto:ddockery@wc.com)>; Scherr, Jason R. <[jr.scherr@morganlewis.com](mailto:jr.scherr@morganlewis.com)>; [agazikas@wc.com](mailto:agazikas@wc.com) <[agazikas@wc.com](mailto:agazikas@wc.com)>; \*[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com) <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; \*[Jean.Richmann@alston.com](mailto:Jean.Richmann@alston.com) <[Jean.Richmann@alston.com](mailto:Jean.Richmann@alston.com)>; Levy, Lindsey <[lindsey.levy@morganlewis.com](mailto:lindsey.levy@morganlewis.com)>; \*[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com) <[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com)>; \*[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com) <[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)>; \*[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com) <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; Feld, Jason Adam <[jason.feld@kirkland.com](mailto:jason.feld@kirkland.com)>; [ryan.moorman@kirkland.com](mailto:ryan.moorman@kirkland.com) <[ryan.moorman@kirkland.com](mailto:ryan.moorman@kirkland.com)>; \*[linterlicchio@wc.com](mailto:linterlicchio@wc.com) <[linterlicchio@wc.com](mailto:linterlicchio@wc.com)>; \*[nsuellentrop@wc.com](mailto:nsuellentrop@wc.com) <[nsuellentrop@wc.com](mailto:nsuellentrop@wc.com)>; \*[bhazelwood@wc.com](mailto:bhazelwood@wc.com) <[bhazelwood@wc.com](mailto:bhazelwood@wc.com)>; Patterson, Melissa L. <[mpatterson@jonesday.com](mailto:mpatterson@jonesday.com)>; Fassih, Elizabeth S. <[efassih@jonesday.com](mailto:efassih@jonesday.com)>; Inzunza Higuera, Gerardo <[ginzunzahiguera@jonesday.com](mailto:ginzunzahiguera@jonesday.com)>; \*[KOREilly@walsh.law](mailto:KOREilly@walsh.law) <[KOREilly@walsh.law](mailto:KOREilly@walsh.law)>; \*[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law) <[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law)>; Emma Kingsdorf Schwab <[eschwab@irpinolaw.com](mailto:eschwab@irpinolaw.com)>; Sarah DeLoach <[sarahdeloach@robertslawfirm.us](mailto:sarahdeloach@robertslawfirm.us)>; [apark@ktmc.com](mailto:apark@ktmc.com) <[APark@ktmc.com](mailto:APark@ktmc.com)>; [bbogle@levinlaw.com](mailto:bbogle@levinlaw.com) <[bbogle@levinlaw.com](mailto:bbogle@levinlaw.com)>; Kiessling, Joseph J. <[jkiessling@jonesday.com](mailto:jkiessling@jonesday.com)>; [Reade.Seligmann@alston.com](mailto:Reade.Seligmann@alston.com) <[Reade.Seligmann@alston.com](mailto:Reade.Seligmann@alston.com)>; Doreen Nidowicz <[dnidowicz@levinlaw.com](mailto:dnidowicz@levinlaw.com)>; Darcie Tilly <[Darcie.Tilly@doj.ca.gov](mailto:Darcie.Tilly@doj.ca.gov)>; Bonk, Cameron Mae <[cameron.bonk@kirkland.com](mailto:cameron.bonk@kirkland.com)>; Walling, Kate <[kate.walling@kirkland.com](mailto:kate.walling@kirkland.com)>; Walsh, Liza <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>  
**Subject:** RE: In re Insulin Pricing Litigation, MDL No. 3080 - Draft Privilege Order (4-14 call) - multiple logs.

Colleagues,

ESI writes regarding Plaintiffs' multiple logs question discussed yesterday.



Plaintiffs have sued at least eight entities associated with Express Scripts, Inc. (the “Express Scripts Defendants”). Not all of the Express Scripts Defendants are defendants in every member case. Yet Plaintiffs are asking the Express Scripts Defendants to produce 8 separate privilege logs. The Express Scripts Defendants cannot agree to such a burdensome process because it is not required by the federal rules or proposed Order. Rule 26(b)(5) does not require separate logs per named defendant, but rather requires a producing party to log the “documents, communications, or tangible things” withheld. Thus, under the rules, it is information that has to be logged, not which corporate entity holds it. Separate logs are not necessary to enable Plaintiffs to assess the Express Scripts Defendants’ privilege claims.

Accordingly, the Express Scripts Defendants cannot agree to produce separate logs for each entity named as a Defendant.

**Ethan Ackerman**

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5616 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

[ethan.ackerman@morganlewis.com](mailto:ethan.ackerman@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

**From:** Ackerman, Ethan

**Sent:** Monday, April 14, 2025 4:29 PM

**To:** 'Pearl Robertson' <[probertson@irpinolaw.com](mailto:probertson@irpinolaw.com)>; Bejan, Daria K. <[dbejan@jonesday.com](mailto:dbejan@jonesday.com)>; Burrichter, Chris <[chris.burrichter@kirkland.com](mailto:chris.burrichter@kirkland.com)>; Martin, Theresa C.

<[tmartin@jonesday.com](mailto:tmartin@jonesday.com)>; Melo, Leslie A. <[leslie.melo@kirkland.com](mailto:leslie.melo@kirkland.com)>; Tanya D. Ellis

<[Tanya.Ellis@formanwatkins.com](mailto:Tanya.Ellis@formanwatkins.com)>; Josh Wackerly <[josh@cicalapllc.com](mailto:josh@cicalapllc.com)>; Steven Daroci

<[sdaroci@seegerweiss.com](mailto:sdaroci@seegerweiss.com)>; Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)>; David Buchanan

<[dbuchanan@seegerweiss.com](mailto:dbuchanan@seegerweiss.com)>; Lawrence Deas <[Lawrence@listondeas.com](mailto:Lawrence@listondeas.com)>; Trey Watkins

<[Trey.Watkins@formanwatkins.com](mailto:Trey.Watkins@formanwatkins.com)>; Benjamin Widlanski <[bwidlanski@kttlaw.com](mailto:bwidlanski@kttlaw.com)>; Mark

Pifko <[MPifko@baronbudd.com](mailto:MPifko@baronbudd.com)>; [tscrivo@oslaw.com](mailto:tscrivo@oslaw.com); Young Yu <[yyu@oslaw.com](mailto:yyu@oslaw.com)>;

[jtortorella@khmarino.com](mailto:jtortorella@khmarino.com); Sterling Cluff <[scluff@baronbudd.com](mailto:scluff@baronbudd.com)>; Matthew Gately

<[mfg@njlawfirm.com](mailto:mfg@njlawfirm.com)>; Erich Schork <[erichschork@robertslawfirm.us](mailto:erichschork@robertslawfirm.us)>;

[cbarrett@nealharwell.com](mailto:cbarrett@nealharwell.com); Jordan Jacobson <[JJacobson@ktmc.com](mailto:JJacobson@ktmc.com)>; Mike Roberts

<[mikeroberts@robertslawfirm.us](mailto:mikeroberts@robertslawfirm.us)>; Karen Halbert <[karenhalbert@robertslawfirm.us](mailto:karenhalbert@robertslawfirm.us)>; Donald

A. Ecklund <[DEcklund@carellabyrne.com](mailto:DEcklund@carellabyrne.com)>; Mark Vazquez <[markv@hbsslaw.com](mailto:markv@hbsslaw.com)>; James

Cecchi <[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)>; Johan Conrod <[johan@cicalapllc.com](mailto:johan@cicalapllc.com)>; Dianne M Nast

<[dnast@nastlaw.com](mailto:dnast@nastlaw.com)>; Kevin Cooper <[KCooper@carellabyrne.com](mailto:KCooper@carellabyrne.com)>; [trafferty@levinlaw.com](mailto:trafferty@levinlaw.com);

Tal J Lifshitz <[tjl@kttlaw.com](mailto:tjl@kttlaw.com)>; [myeates@ktmc.com](mailto:myeates@ktmc.com); Joseph H. Meltzer

<[jmeltzer@ktmc.com](mailto:jmeltzer@ktmc.com)>; [steve@hbsslaw.com](mailto:steve@hbsslaw.com); Russell Budd <[RBUDD@BARONBUDD.COM](mailto:RBUDD@BARONBUDD.COM)>

**Cc:** 'Hogg, Ian' <[ian.hogg@davispolk.com](mailto:ian.hogg@davispolk.com)>; [\\*Jordan.Edwards@alston.com](mailto:*Jordan.Edwards@alston.com)

<[Jordan.Edwards@alston.com](mailto:Jordan.Edwards@alston.com)>; [\\*Liz.Brown@alston.com](mailto:*Liz.Brown@alston.com) <[Liz.Brown@alston.com](mailto:Liz.Brown@alston.com)>; Harvey,

Patrick A. <[patrick.harvey@morganlewis.com](mailto:patrick.harvey@morganlewis.com)>; [\\*Kelley.Barnaby@alston.com](mailto:*Kelley.Barnaby@alston.com)

<[Kelley.Barnaby@alston.com](mailto:Kelley.Barnaby@alston.com)>; [\\*apodoll@wc.com](mailto:*apodoll@wc.com) <[apodoll@wc.com](mailto:apodoll@wc.com)>; [\\*ddockery@wc.com](mailto:*ddockery@wc.com)

<[ddockery@wc.com](mailto:ddockery@wc.com)>; Scherr, Jason R. <[jr.scherr@morganlewis.com](mailto:jr.scherr@morganlewis.com)>; [agazikas@wc.com](mailto:agazikas@wc.com);

[\\*Brian.Boone@alston.com](mailto:*Brian.Boone@alston.com) <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; [\\*Jean.Richmann@alston.com](mailto:*Jean.Richmann@alston.com)

<[Jean.Richmann@alston.com](mailto:Jean.Richmann@alston.com)>; Levy, Lindsey <[lindsey.levy@morganlewis.com](mailto:lindsey.levy@morganlewis.com)>;  
\*[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com) <[Optum.Insulin.Team@alston.com](mailto:Optum.Insulin.Team@alston.com)>;  
\*[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com) <[andrew.yaphe@davispolk.com](mailto:andrew.yaphe@davispolk.com)>;  
\*[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com) <[neal.potischman@davispolk.com](mailto:neal.potischman@davispolk.com)>; Feld, Jason Adam  
<[jason.feld@kirkland.com](mailto:jason.feld@kirkland.com)>; [ryan.moorman@kirkland.com](mailto:ryan.moorman@kirkland.com); \*[linterlicchio@wc.com](mailto:linterlicchio@wc.com)  
<[linterlicchio@wc.com](mailto:linterlicchio@wc.com)>; \*[nsuellentrop@wc.com](mailto:nsuellentrop@wc.com) <[nsuellentrop@wc.com](mailto:nsuellentrop@wc.com)>;  
\*[bhazelwood@wc.com](mailto:bhazelwood@wc.com) <[bhazelwood@wc.com](mailto:bhazelwood@wc.com)>; Patterson, Melissa L.  
<[mpatterson@jonesday.com](mailto:mpatterson@jonesday.com)>; Fassih, Elizabeth S. <[efassih@jonesday.com](mailto:efassih@jonesday.com)>; Inzunza Higuera,  
Gerardo <[ginzunzahiguera@jonesday.com](mailto:ginzunzahiguera@jonesday.com)>; \*[KOREilly@walsh.law](mailto:KOREilly@walsh.law) <[KOREilly@walsh.law](mailto:KOREilly@walsh.law)>;  
\*[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law) <[LMalakoff@walsh.law](mailto:LMalakoff@walsh.law)>; Emma Kingsdorf Schwab  
<[eschwab@irpinolaw.com](mailto:eschwab@irpinolaw.com)>; Sarah DeLoach <[sarahdeloach@robertslawfirm.us](mailto:sarahdeloach@robertslawfirm.us)>;  
[apark@ktmc.com](mailto:apark@ktmc.com); [bbogle@levinlaw.com](mailto:bbogle@levinlaw.com); Kiessling, Joseph J. <[jkiessling@jonesday.com](mailto:jkiessling@jonesday.com)>;  
[Reade.Seligmann@alston.com](mailto:Reade.Seligmann@alston.com); Doreen Nidowicz <[dnidowicz@levinlaw.com](mailto:dnidowicz@levinlaw.com)>; Darcie Tilly  
<[Darcie.Tilly@doj.ca.gov](mailto:Darcie.Tilly@doj.ca.gov)>; Bonk, Cameron Mae <[cameron.bonk@kirkland.com](mailto:cameron.bonk@kirkland.com)>; Walling,  
Kate <[kate.walling@kirkland.com](mailto:kate.walling@kirkland.com)>; Walsh, Liza <[lwalsh@walsh.law](mailto:lwalsh@walsh.law)>  
**Subject:** RE: In re Insulin Pricing Litigation, MDL No. 3080 - Draft Privilege Order (4-14 call)

Thanks everyone for today's call and clarification.

3 action items were raised on the call for written resolution (ideally in the next ~24 hours)

- Plaintiffs' tracks will comment on the desirability/undesirability of dropping the joint defense exemptions from logging (and the AG track categorical log that grew from that exemption) rather than briefing the issue – leaving in only (iii) redactions, (ii) preservation and (i) the initial post-complaint litigation exemptions to logging
- Defendants will comment on the desirability/undesirability of dropping the dispute over sequester vs. deletion edits in P's most recent draft.
- PBMs will respond to the question regarding whether the Order as drafted is to be read to cover each named defendant, or each producing party. (i.e. whether GPOs will provide separate logs.)

**Ethan Ackerman**

**Morgan, Lewis & Bockius LLP**

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5616 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

[ethan.ackerman@morganlewis.com](mailto:ethan.ackerman@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)